



MAJOR CITIES CHIEFS

November 21, 1996

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William F. Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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Dear Mr. Secretary:

On behalf of the Major Cities Chiefs (MCC), I am enclosing comments regarding the FCC's Notice of Proposed Rulemaking, MM Docket No. 87-268. This notice contains a plan for the allocation of spectrum to digital television (DTV).

MCC members played a leading role in the Public Safety Wireless Advisory Committee (PSWAC) and in the preparation of its final report. That report, submitted to the FCC, noted a critical shortage of available spectrum for the nation's public safety agencies. Two serious consequences result: agencies cannot communicate with one another and coordinate their efforts in emergencies; and new communications technologies cannot be developed and deployed.

The PSWAC report recommends that the FCC reserve spectrum presently used for UHF channels 60-69 for public safety use. The Major Cities Chiefs, therefore, urges the FCC to limit any DTV allocations from channels 60-69. We believe the public interest is better served by making such allocations from the proposed core DTV spectrum between channels 7 and 59. The benefit would be increased interoperability for public safety agencies, allowing us to coordinate our efforts in ways that are impossible at present.

We regard digital television as an exciting development that will benefit the nation. However, the needs of this emerging technology must be balanced against the substantial public safety needs of our citizens.

Sincerely,

Matt L. Rodriguez
Chairman, Major Cities Chiefs
Superintendent, Chicago Police Department

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cc: The Honorable Reed Hundt, Chairman, FCC
Members of the Major Cities Chiefs

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Before the
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

Advanced Television Systems and Their
Impact Upon Existing Television
Broadcast Service

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MM Docket No. 87-268

To: Federal Communications Commission

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COMMENTS OF MAJOR CITIES CHIEFS

The Major Cities Chiefs hereby submits these comments in response to the FCC's Notice of Proposed Rule Making proposing an allotment plan for the assignment of digital television ("DTV") stations.¹ As a leading representative of law enforcement officers in North America, Major Cities Chiefs urges the FCC to use this proceeding to provide additional land mobile spectrum for public safety agencies.

Major Cities Chiefs is a professional association of police executives representing the largest jurisdictions in the United States. The association provides a forum for urban police chiefs, sheriffs and other law enforcement chief executives to discuss common problems associated with protecting cities with populations exceeding 500,000 people. One of the major problems facing our cities is securing the requisite amounts of radio spectrum to provide effective communications capabilities to the thousands of officers providing law enforcement. In our large urban areas, there is not enough spectrum available for different public safety agencies to communicate with each other. This limits their ability to coordinate efforts in responding to an emergency, and thus places lives at risk. Further, there is no available spectrum to develop and deploy advanced communications technologies such as high speed data, mobile video surveillance or file imaging transfers.

These problems have been detailed in a report submitted to the FCC by the Public Safety Wireless Advisory Committee.² The member cities of Major Cities Chiefs established a leadership role in the development of this report and, as an organization, we stand behind its conclusions and urge the FCC to act expeditiously in implementing its recommendations. In particular, we note the primary conclusion of the Final Report

¹Sixth Notice of Proposed Rule Making. MM Docket No. 87-268, released August 14, 1996.

²Final Report of the Public Safety Wireless Advisory Committee, WT Docket No. 96-86, submitted September 11, 1996 ["Final Report"].

that more public safety spectrum is needed.³

After nearly a year of deliberation and analysis, the Advisory Committee concluded that 25 MHz of new public safety allocations was necessary within the next five years. This recommendation was arrived at with full knowledge of the difficulty involved in finding land mobile spectrum below 1 Ghz and the budgetary pressures on the FCC to auction available allocations. Notwithstanding these realities, the public safety community pressed forward to recommend that the FCC take these difficult steps in order to avert a potential crisis where "Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost-effective manner."⁴

In this instant proceeding, the FCC is deciding upon assignment criteria for digital television allotments in order to spur that industry's transition to advanced television technologies. While appreciating the complexities and burdens associated with converting to digital technology, we strongly urge the FCC to consider how this transition can occur while, at the same time, freeing up spectrum for public safety use. Spectrum now used by UHF-TV channels 60-69 is ideal to help alleviate the spectrum shortage now experienced in major cities. First, it is adjacent to existing 800 MHz public safety frequency bands so common equipment can be manufactured. This will enhance user interoperability with all 800 MHz public safety users. Second, these upper regions of the television allocations are not highly desired by the broadcast community as evidenced by the relatively low number of analog stations occupying these channels. In short, proper spectrum management requires that the FCC strongly consider reallocating these channels for land mobile service in general, with public safety availability ensured within the five year period cited by the Advisory Committee's Final Report.

To achieve this goal, Major Cities Chiefs strongly urges the FCC to limit any digital TV allotments from Channels 60-69. Major Cities Chiefs believes that the public interest is better served by relocating such allotments to the proposed core DTV spectrum between Channels 7 and 59 even if that means a slight reduction in the available service area to the DTV station. In doing so, however, the Commission must not cause negative impact to the land mobile stations currently sharing UHF-TV channels 14-20 in our top 11 markets. These channels support thousands of public safety land mobile base stations and are integral components of the overall communications infrastructures, particularly in New York City and Southern California. The FCC cannot reduce the co-channel or adjacent channel protection afforded to these land mobile stations through the allotment of an additional DTV assignment.

³Final Report at page 3.

⁴Final Report at page 2.

In conclusion, Major Cities Chiefs urges the FCC to ensure that the needs of public safety agencies are satisfied in this "refarming" of the broadcast television spectrum bands by eliminating any DTV assignments in UHF-TV channels 60-69. This is undoubtedly the best opportunity for improving the critical nature of public safety communications capabilities. Should the FCC miss this opportunity, it is unclear how the Commission will implement the recommendations of the Public Safety Wireless Advisory Committee or satisfy the will of Congress to provide for the needs of public safety.